

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
Scott W Skavdahl, United States District Judge
Case No. 2:16-cr-0104-SWS-1

Darci Smith, Deputy Clerk
Anne Bowline, Court Reporter

October 7, 2016
Casper, WY

UNITED STATES OF AMERICA

James Anderson, AUSA
Timothy J Forwood
Robert Leazenby, WY DCI
Bruce Dexter, WY DCI

Plaintiff

vs

KYLE STEVEN HEBERT

Keith Nachbar, CJA Counsel

Defendant

Hearing on Motion to Suppress And Motion to Introduce 414(b) Evidence
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8:25 am	Court in session on Motion to Suppress; above parties in attendance. The Court summarized the case and the argument to be heard here today.
8:29 am	Argument on Defendant's Motion to Suppress by Defendant's counsel, Keith Nachbar
8:57 am	Government's Response to Argument by AUSA James Anderson
9:15 am	Rebuttal to Government's response by CJA Nachbar.
9:23 am	Court in recess
9:36 am	Court in session; same participants in attendance. The Court issued an Oral Ruling: For reasons stated on the record and incorporated by reference herein, the Motion to Suppress is DENIED.

- 9:51 am Argument on the F.R.E. 414 Motions (Doc 54 and 56) for AUSA Timothy Forwood.
- 10:06 am Rebuttal by Defendant's counsel, CJA Keith Nachbar.
- 10:26 am Response by AUSA Forwood
- 10:33 am The Court advised parties it could not definitively rule on the issue until the trial is under way and the Court can hear the proposed testimony, but at this time, the Court finds it is probative and relevant. ORDERED: The Defendant's motion shall be DENIED, the Government's GRANTED, both with limitations based on testimony.
- 10:47 am The Government advised the Court of how the evidence in this case would be handled. The process is approved.
The Court will not allow specific reference to those particular acts as mentioned in the 414 issue during opening statements or voir dire.
The tentative Day 1 schedule was discussed with parties. Parties shall be given 30 minutes each for voir dire.
The Government will call approximately 5 witnesses and advised of tentative schedule. Government expects to be done late Tuesday or mid-Wednesday morning.
The court and parties discussed expert disclosure and parties will address with one another promptly and in accordance with the Federal Rules and with the Discovery order entered in this case.
- 11:01 am Court in recess